

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 02,276-A)

THE APPLICATION OF:

McCallum, et al.

Serial No. 10/691,374

Filed: October 23, 2003

Title: Tomatoes Having Reduced
Polygalacturonase Activity Caused by
Non-Transgenic Mutations in the
Polygalacturonase Gene.

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

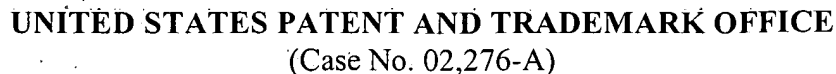
In regard to the above identified application:

1. We are transmitting herewith the attached:
 - a. Information Disclosure Statement;
 - b. Form PTO-1449;
 - c. Copy of IDS Citations 10/691,374 (44 references);
 - d. Return Receipt Postcard.
2. With respect to additional fees:

☒ No additional fee is required.
3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on this 12th day of March, 2004.

By:

Alison J. Baldwin
Reg. No. 48,968



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Box DD
Commissioner for Patents
Washington, D.C. 20231-9999

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to make the following references of record in the above-identified application. Copies of the references are enclosed. Copies are also listed in the PTO-1449 form enclosed herewith. It is requested that the documents be given careful consideration and that they be cited of record in the prosecution history of the present application so that they will appear on the face of the patent issuing from the present application.

Portions of the references may be material to the examination of the pending claims, however no such admission is intended. 37 C.F.R. 1.97 (h). The references have not been reviewed in sufficient detail to make any other representation and, in particular,

no representation is intended as to the relative importance of any portion of the references. This Statement is not a representation that the cited references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. sections 102 or 103, nor is this submission to be construed as a representation that a search has been made.

CITED REFERENCES

U.S. Patent Documents

<u>Document Number</u>	<u>Date</u>	<u>Name</u>	<u>Class</u>	<u>Filing Date If Appropriate</u>
4,801,540	01/31/1989	Hiatt, et al.		01/02/1987
5,107,065	04/21/1992	Shewmaker, et al.		08/30/1988
5,387,747	02/07/1995	Bru-Magniez, et al.		02/18/1993
5,413,937	05/09/1995	Bridges, et al.		12/07/1993
5,442,052	08/15/1995	Bird, et al.		11/07/1991
5,453,566	09/26/1995	Shewmaker, et al.		08/27/1991
5,569,831	10/29/1996	DellaPenna		07/11/1994
5,759,829	06/02/1998	Shewmaker, et al.		05/05/1995
5,994,075	11/30/1999	Goodfellow, et al.		05/16/1997

Foreign Patent Documents

<u>Document Number</u>	<u>Date</u>	<u>Country</u>	<u>Class</u>	<u>Translation Yes/No</u>
WO 0063347		PCT		

Other Documents

1. AJ Hamilton, "Sense And Antisense Inactivation Of Fruit Ripening Genes In Tomato", Current Topics In Microbiol Immunol", Vol. 197, Pages 77-89, 1995.
2. Ali, et al., "Purification and Characterization of the Polygalacturonases of Tomato Fruits", Aust J. Plant Physiol, Vol. 9, Pages 155-169, 1982.
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4. Bird, et al., "The Tomato Polygalacturonase Gene and Ripening-Specific Expression In Transgenic Plants", *Plant Mol. Biol.*, Vol. 11, Pages 651-662, 1988.
5. Cantwell, M., "Report to the California Tomato Commission: Tomato Variety Trials: Postharvest Evaluations for 2001", January 8, 2002.
6. Chen, et al., "A Rapid DNA Miniprep Method Suitable for AFLP and Other PCR Applications", *Plant Molecular Biology Reporter*, V. 17, Pages 53-57, 1999.
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8. Cooley, et al., "Insertional Inactivation Of The Tomato Polygalacturonase Gene", *J.I.*, *Plant Mol. Biol.*, Vol. 38 (4) Pages 521-530, 1998.
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11. D. Grierson, "cDNA Clone For Tomato Polygalacturonase", *Nucleic Acids Res.*, Vol. 14 (21), Pages 8595-8603, November 11, 1986.
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13. Della Peña, et al., "Molecular Cloning of Tomato Fruit Polygalacturonase: Analysis of Polygalacturonase mRNA Levels During Ripening", *Proc. Natl. Acad. Sci. U.S.A.*, Vol. 83, Pages 6420-6424, 1986.
14. Edan, Y., "Color and Firmness Classification of Fresh Market Tomatoes", *Journal of Food Science*, Vol. 62(4) Pages 793-796, 1997.
15. Errington, N., "Changes in the force relaxation and compression responses of tomatoes during ripening: The Effect of Continual Testing and Polygalacturonase Activity", *Postharvest Biology and Technology*, Vol. 11, 141-147, 1997.
16. Fachin, et al., "Thermal and High-Pressure Inactivation of Tomato Polygalacturonase: A Kinetic Study", *Journal of Food Science*, Vol. 67, Pages 1610-1615, 2002.
17. Henikoff, et al., "Increased Coverage of Protein Families With the Blocks Database Servers", *Nucl. Acids Res.* Vol. 28, Pages 228-230, 2000.
18. Henikoff, et al., "Blocks+: A Non-Redundant Database Of Protein Alignment Blocks Derived From Multiple Compilations", *Bioinformatics* Vol. 15(6), Pages 471-479, 1999.


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20. Kalaitzis, et al., "Three Different Polygalacturonases Are Expressed In Tomatoe Leaf And Flower Abscission, Each With A Different Temporal Expression Pattern", *Plant Physiol*, Vol. 113, Pages 1303-1308, 1997.
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22. Lesage, et al., "Measurement of Tomato Firmness by Using a Non-Destructive Mechanical Sensor", *Postharvest Biology and Technology*, Vol. 8, Pages 45-55, 1996.
23. Li, et al., "Integrated Platform For Detection of DNA Sequence Variants Using Capillary Array Electrophoresis", *Electrophoresis*, Vol. 23(10), Pages 1499-1511, May 2002.
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25. McCallum, et al., "Targeting Induced Local Lesions IN Genomes (Tilling) For Plant Functional Genomics", *Plant Physiology*, Vol. 123, Pages 439-442, June 2000.
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27. Oleykowski, et al., "Mutation Detection Using a Novel Plant Endonuclease", *Nucleic Acids Research*, Vol. 26, Pages 4597-4602, 1998.
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31. Sitrit and Bennett, "Regulation Of Tomato Fruit Polygalacturonase mRNA Accumulation By Ethylene: A Re-Examination. *Plant Physiol*", Vol. 116, Pages 1145-1150, 1998.
32. Stewart, et al., "A Rapid CTAB DNA Isolation Technique Useful for RAPD Fingerprinting and Other PCR Applications", *Bio Techniques*, V. 14(5), Pages 748-749, 1993.

33. Vrebalov, et al., "A MADS-Box Gene Necessary for Fruit Ripening at the Tomato Ripening – inhibitor (Rin) Locus", Science, Vol. 296, Pages 343-346, 2002.
34. Zheng, et al., "Differential Expression of the Two Subunits of Tomato Polygalacturonase Isoenzyme 1 in Wild-Type and Rin Tomato Fruit", Plant Physiol., Vol. 105, Pages 1189-1195, 1994.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff

Date: 3/12/04

By: 
Alison Baldwin
Registration No. 48,968

Form PTO-1449 (modified)

MAR 15 2004

Atty. Docket No.

Serial No.

02,276-A

10/691,374

List of Patents and Publications

Applicant

INFORMATION DISCLOSURE STATEMENT

McCallum, et al.

(Use several sheets if necessary)

Filing Date:

Group:

October 23, 2003

Unknown

U.S. Patent Documents

Foreign Patent Documents

Other Art

See Page 1

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U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	4,801,540	01/31/1989	Hiatt, et al.			01/02/1987
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	A7	5,569,831	10/29/1996	DellaPenna			07/11/1994
	A8	5,759,829	06/02/1998	Shewmaker, et al.			05/05/1995
	A9	5,994,075	11/30/1999	Goodfellow, et al.			05/16/1997

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	B1	WO 0063347	10/26/2000	PCT			
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	B3						

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EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

Form PTO-1449 (modified)	Atty. Docket No. 02,276-A	Serial No. 10/691,374
List of Patents and Publications for Applicant's	Applicant	
INFORMATION DISCLOSURE STATEMENT	McCallum, et al.	
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	C9	Cooley, et al., "Site-Selected Insertional Mutagenesis Of Tomato With Maize Ac And Ds Elements", Mol. Gen. Genet., Vol. 252 (1-2), Pages 184-194, 1996.
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INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

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